

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEOFFREY N. FIEGER, *et al.*,

Plaintiffs,

vs.

MICHAEL A. COX, *et al.*,

Defendants.

CASE NO. 05-CV-73891-DT  
HON. LAWRENCE P. ZATKOFF

**ORDER**

AT A SESSION of said Court, held in the  
United States Courthouse, in the City of Port Huron, State of  
Michigan, on the 18th day of October, 2005.

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

This matter is before the Court on Plaintiffs' Application for Temporary Restraining Order. Defendants have filed a Response Brief. The facts and legal arguments are adequately set forth in the briefs submitted. Therefore, finding that the determination of the issues will not be aided by oral argument, and pursuant to E.D. Mich. Local R. 7.1(e), this Court has decided Plaintiff's Application upon the briefs submitted, without this Court entertaining oral arguments.

**I. LEGAL STANDARD**

A court is to consider the following four factors in determining whether a plaintiff is entitled to a temporary restraining order or other preliminary injunctive relief:

- (1) whether the movant has shown a strong or substantial likelihood or probability of success on the merits;
- (2) whether the movant has shown that he or she would suffer irreparable harm if the preliminary relief is not issued;
- (3) whether the issuance of a preliminary injunction will not cause substantial harm to third parties; and
- (4) whether the public interest would be served by the issuance of a preliminary injunction.

*Sandison v. Michigan High School Athletic Association, Inc.*, 64 F.3d 1026, 1030 (6<sup>th</sup> Cir. 1995); *UASCO Coal Co. v. Carbomin Energy, Inc.*, 689 F.2d 94, 98 (6<sup>th</sup> Cir. 1982); *Mason County Med. Ass'n v. Knebel*, 563 F.2d 256, 261 (6<sup>th</sup> Cir. 1977). The standard for preliminary injunction is not a rigid and comprehensive test, and the four factors are to be balanced, not prerequisites that must be satisfied, but instead “these factors simply guide the discretion of the court; they are not meant to be rigid and unbending requirements.” *In re Eagle-Picher Indus., Inc.* 963 F.2d 855, 859 (6<sup>th</sup> Cir. 1992).

## II. FINDINGS OF THE COURT

The Court has reviewed the Plaintiffs’ Application and Brief in support thereof and the Defendant’s Response Brief. The Court finds that Plaintiffs have not satisfied their burden to require this Court to grant Plaintiffs’ request for a Temporary Restraining Order.

Accordingly, Plaintiff’s Motion for Temporary Restraining Order is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: October 18, 2005

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 18, 2005.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290